COMMISSION ON TEACHER CREDENTIALING

10 O STREET CRAMENTO, CA 95814

86-8707



November 26, 1986

TO:

All Individuals and Groups Interested in the

Activities of the Commission on Teacher Credentialing

FROM:

Richard K. Mastain, Ed.D.

Executive Secretary

SUBJECT:

Administration of the License Examination Subversion

Act (LESA)

Chapter 632 of the Statutes of 1986 has added Section 44339 to the Education Code to expressly authorize the Commission on Teacher Credentialing to deny, suspend, revoke or otherwise restrict a license on the ground that an applicant or a licensee has subverted or attempted to subvert any licensing examination or the administration of an examination. The provisions of the statute are clear and specific and may be administered without enactment of administrative regulations.

Commencing with the effective date of the License Examination Subversion Act (January 1, 1987), all allegations of misconduct in violation of the Act will be presented to the Committee of Credentials for investigation and determination of probable cause for disciplinary action.

It is expected that most LESA cases will originate with the Educational Testing Service based on CBEST cheating; but other examination subversion cases will follow the same process. These include, but are not limited to the Bilingual Certificate of Competence, Language Development Specialist, Bilingual Certificate of Assessment Competence and other examinations taken for credentialing purposes.

In each case in which an examination administrator (such as ETS) has evidence of cheating or other subversion of the examination process, that evidence will be forwarded to the Committee of Credentials for investigation. Such evidence will normally consist of written statements of fact in the form of verified affidavits from the person who has knowledge of the facts, such as the examination proctor, the ETS handwriting analyst or other witness to the facts.

In most cases, the Committee of Credentials determination of probable cause will be made on the basis of the affidavits and certified copies of the evidentiary documents together with the response of the applicant or licensee.

Where the Committee makes an adverse decision and where and the documents administrative hearing is demanded, the witnesses and the judge; will be produced and examined before an administrative law judge; where the Committee makes an adverse decision and where administrative nearing is demanded, the witnesses and the document will be produced and examined before an administrative law judge; will be produced and examined before an administrative law judge; and a proposed decision will be proposed decision wil Will be produced and examined before an administrative law juage and a proposed decision will be presented to the Commission for its acceptance or rejection its acceptance or rejection.

The Commission may deny, suspend, revoke or otherwise restrict a license on the ground that an applicant or license has subverted or The provisions of LESA follow: revune of otherwise restrict a license on the y that an applicant or licensee has subverted or that an applicant any licensing examination attempted to subvert that an applicant or licensee has subverted or attempted to subvert any licensing examination including. attempted to supvert any licensing examination of but the administration of an examination, including, but

- (a) Conduct Which violates the security of the examination materials; removing the unauthorized not limited to: room any examination materials; the unauthorized xerographic, photographic, or other mechanical reproduction of any portion of the actual licer reproduction of any portion of the unauthorized examination: aiding by any means the unauthorized examination; aiding by any means the unauthorized aiding by any means the unauthorized examination; photographic xerographic, of any means the mechanical reproduction of any nortion of the actual light reproduction of any portion of the actual licensing examination: paying or using professional or paid reproduction or any portion or the actual licensing examination; paying or using professional or paid examination takers for the purpose of reconstructing for the purpose of any portion of the licensing examination; obtaining any portion of the licensing examination; obtaining any portion of the licensing examination; obtaining examination-takers for the purpose of reconstructing any portion of the licensing examination; material examination questions or other examination material, examination questions or other examination during examination of the fore-during examination and the fore-during examination of the f except by specific authorization or number to use any or after an examination or number to use any except by specific authorization elther perore, quition or after an examination or use or purport to use any examination or use or purport to use any examination or materials which were improper examination of materials which were improper. examination or use or purport to use any examination for the nurpose examination for the nurpose removed or taken from any examination for the nurpose. removed or taken from any examination for evamination of inetricting or materials which were purpose and taken from any examination for evamination of inetricting or materials which were purposed to the purpose and the purpose of inetricting or materials and inetricting or materials and inetricting or materials which were purposed to the purposed of inetricting or materials which were purposed to the purposed of inetricting or materials which were purposed to the purposed of the purposed o Demoved or taken from any examination for examinations; of instructing or preparing applicants for examinations or selling distributing binging receiving or having or instructing or preparing applicants for examination or newioned applicants for examination or having or having or selling, distributing, buying, receiving future, or selling, administered licensing examination of any portion of a examination of any portion of a examination of previously administered licensing examinations. unauthorized possession of any portion of a ruture, any portion of any portion of a ruture, any portion of a ruture, and a ruture, a ruture, and a ruture, and a ruture, and a ruture, a rut
 - (b) Conduct that violates the standard of examination administration; communicating with any other examinee during the administration of a licensing examination; during the administration of a licensing examination; one is copying answers from another examinee or permitting one is answers to be copied by another examinee. having in one is copying answers from another examinee or permitting one's answers to be copied by another examinee; having in one's answers to be copied by another examine the licensing possession during the administration of the licensing possession during the administration of the licensing examination and books examination any books, equipment, notes, written or equipment, notes, where then printed materials or data of any kinds other than examination any books, equipment, notes, written or the printed materials, or data of any kind, other than examination materials distributed or otherwise anthorise examination materials Plinted materials, or data of any kind, otherwise authorized examination materials distributed, or otherwise authorized to be in one's possession during the examination: to be in one's possession during the examination; impersonating and arrive arrive and arrive arrive and arrive arrive and arrive arrive arrive arrive arrive and arrive ar impersonating any examinee or having an impersonator take the licensing avanination on one's behalf " the licensing examination on one's behalf."

County Offices of Education, Teacher Education Institutions, and others who have reason to contact potential examinees through County Offices of Education, Teacher Education institutions, a through others who have reason to contact potential examinees that other examinations necessary for credentials should be calculated as the credential of the credent The CBEST or other examinations necessary for credentials should make this information available to those persons. make this information available to those persons.